

REMARKS

This Amendment is being filed in response to the Office Action mailed August 1, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 7-15 and 17 remain in this application, where claims 1-6 and 16 have been canceled by this amendment without prejudice. Applicant reserves the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the drawings have been amended to change reference numeral 170 to 169 in FIG 12, in conformance with the specification, such as page 6, lines 21-23. A replacement sheet including FIG 12 is enclosed. Further, an annotated marked-up version of the sheet including FIG 12 is enclosed for convenience. Applicant respectfully requests withdrawal of the drawings objection and approval of the enclosed proposed drawing changes.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities to better conform with the drawings.

In the Office Action, claims 7-15 and 17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,352,800 (Suganaga). It is respectfully submitted that claims 7-15 and 17 are patentable over Suganaga for at least the following reasons.

Suganaga is directed to a reticle for use in exposing a semiconductor capable of increasing the contrast of a resist pattern. As specifically recited throughout Suganaga, (such as recited in claim 1, the reticle 10 has uniform irregularities 11 as shown in FIG 1.

In stark contrast, the present invention as recited in independent claim 7, and similarly recited in independent claim 17, amongst other patentable elements recites (illustrative emphasis provided):

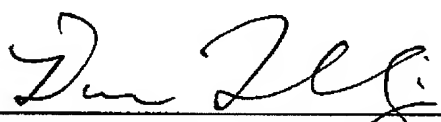
wherein the at least one diffraction structure includes a first structure having strips of a first pitch and a second structure having strips of a second pitch which is different from the first pitch.

A diffraction structure having two structures with two strips of different pitches is nowhere disclosed or suggested in Suganaga. Rather, Suganaga discloses a reticle 10 having uniform irregularities. Accordingly, it is respectfully submitted that independent claims 7 and 17 are allowable. In additions, claims 8-15 are also allowable at least based on their dependence from independent claim 7.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Enclosure: Replacement drawing sheet (1 sheet including FIG 12)
Annotated drawing sheet (1 sheet including FIG 12)

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